

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF OKLAHOMA**

JASON URIAN FLOW,)	
)	
Plaintiff,)	
)	
-vs-)	Case No. CIV-09-1262-F
)	
LT. THOMAS, Shift Commander;)	
CORY GREEN, Detention Officer;)	
LT. HANSEN, Shift Commander;)	
LT. FINLEY, Shift Commander;)	
OFFICER CLANAHAN, Detention)	
Officer; JOHN WHETSEL, Sheriff;)	
SERGEANT REEVES, Supervisor,)	
2 nd Floor; COUNTY OF OKLAHOMA)	
COUNTY; OKLAHOMA COUNTY)	
SHERIFF'S OFFICE; and)	
OKLAHOMA COUNTY DETENTION)	
CENTER,)	
)	
Defendants.)	

ORDER

Before the court is the Report and Recommendation issued by United States Magistrate Judge Valerie K. Couch on July 30, 2010 (doc. no. 34). In the Report and Recommendation, Magistrate Judge Couch recommended defendants' motions to dismiss, construed in part as motions for summary judgment, be granted.

Magistrate Judge advised the parties of their right to file objections to the Report and Recommendation by August 20, 2010 and that failure to make timely objection to the Report and Recommendation waives the right to appellate review of the factual and legal issues addressed.

To date, no objection has been filed and no request for an extension of time to file an objection has been filed. With no objection being filed within the time prescribed, the court accepts, adopts and affirms the Report and Recommendation to the extent below stated.

Accordingly, the Report and Recommendation issued by United States Magistrate Judge Valerie K. Couch on July 30, 2010 (doc. no. 34) is **ACCEPTED**, **ADOPTED** and **AFFIRMED** to the extent below stated.

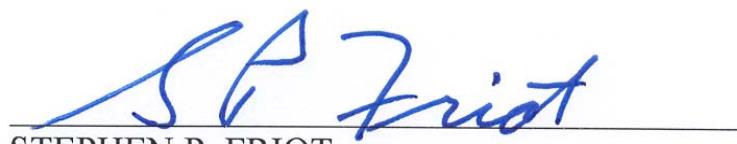
Defendant Whetsel's Motion to Dismiss Complaint, filed March 12, 2010 (doc. no. 22), Defendant Hansen's Motion to Dismiss Complaint, filed March 12, 2010 (doc. no. 23), Defendant Reeves' Motion to Dismiss Complaint, filed March 12, 2010 (doc. no. 24), Defendant Lt. Finley's Motion to Dismiss Complaint, filed March 12, 2010 (doc. no. 25), Defendant Cory Green's Motion to Dismiss Complaint, filed March 12, 2010 (doc. no. 26), Defendant Lt. Thomas' Motion to Dismiss Complaint, filed March 12, 2010 (doc. no. 28), and Special Appearance and Motion to Dismiss by Oklahoma County; Sheriff and OCDC, filed March 12, 2010 (doc. no. 29), all construed in part as motions for summary judgment, are **GRANTED**. Plaintiff's claims against defendants, John Whetsel, in his individual and official capacities, Lt. Hansen, Shift Commander, Sergeant Reeves, Supervisor, 2nd Floor, Lt. Finley, Shift Commander, Cory Green, Detention Officer, Lt. Thomas, Shift Commander, and Oklahoma County are dismissed without prejudice for failure to exhaust administrative remedies. Plaintiff's claims against Oklahoma County Sheriff's Office and Oklahoma County Detention Center are dismissed pursuant to Rule 12(b)(6), Fed. R. Civ. P., because defendants are not suable entities for purposes of 42 U.S.C. § 1983.

Defendant Clanahan's Motion to Dismiss Complaint, filed March 12, 2010 (doc. no. 27), construed as a motion for summary judgment, is **GRANTED**.

Defendant Clanahan is entitled to qualified immunity on plaintiff's claim of excessive force against him.

Judgment shall issue forthwith.

DATED September 7, 2010.



STEPHEN P. FRIOT
UNITED STATES DISTRICT JUDGE

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